



Legislative Bulletin.....October 4, 2004

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: \$247.6 million over 5 years

Effect on Revenue: None

Total Change in Mandatory Spending: \$25 million over 5 years

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 7

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 8

H.R. 1630—Petrified Forest National Park Expansion Act (Renzi)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1630 would authorize the Secretary of the Interior to acquire from willing sellers about 112,000 acres of privately owned and Arizona-state-owned acres adjacent to the Petrified Forest National Park (more than doubling its size). An additional 15,000 acres would be transferred to the Park from the Bureau of Land Management. Grazing would still be allowed on the new Park lands.

Additional Background: The Petrified Forest National Park in northeast Arizona was created to protect the extensive paleontological resources in the area and features one of the world's largest assortments of petrified wood. For more information, visit this website: <http://www.nps.gov/pefo/>

The federal government already owns 50.2% of all land in Arizona, as of September 2003.

Committee Action: On June 15, 2004, the Subcommittee on National Parks, Recreation and Public Lands held hearings on the bill, and then marked up the bill on July 8th. After the Subcommittee forwarded the bill to the full Resources Committee by unanimous consent, the full Committee marked up the bill on July 14th and by unanimous consent ordered the bill reported to the full House.

Administration Position: The Department of the Interior expressed support for this boundary expansion:

<http://resourcescommittee.house.gov/archives/108/testimony/2004/paulhoffman1630.htm>

Cost to Taxpayers: CBO estimates that this bill would authorize appropriations of \$18 million over the next three years plus \$700,000 per year (beginning in 2008) to maintain the additional lands.

Does the Bill Expand the Size and Scope of the Federal Government?: It would add about 112,000 acres to federal land holdings.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-713, cites constitutional authority in Article I, Section 8 (but does not cite a specific clause), and Article IV, Section 3 (Clause 2 of which grants Congress the power to make rules and regulations for federal property). House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 2129—Taunton, Massachusetts Special Resources Study Act (*Frank*)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2129 would direct the Secretary of the Interior, in consultation with the appropriate Massachusetts historic preservation officers, Massachusetts historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, to conduct a special resources study regarding the “suitability and feasibility” of designating certain historic buildings and areas in Taunton as a unit of the National Park System. The study (conducted in accordance with certain criteria outlined in the bill) would have to be submitted to Congress within three fiscal years of the first provision of funds for the study and would have to include the concerns of private property owners.

Additional Background: For information on Taunton, Massachusetts, visit this website: <http://www.ci.taunton.ma.us/>

Committee Action: On June 15, 2004, the Subcommittee on National Parks, Recreation and Public Lands held hearings on the bill. The full Resources Committee marked up the bill on July 14th and by unanimous consent ordered the bill reported to the full House.

Administration Position: **The Interior Department testified against this legislation:**

<http://resourcescommittee.house.gov/archives/108/testimony/2004/paulhoffman2129.htm>

“The Department is concerned with H.R. 2129 because other authorities and mechanisms exist at the Federal, State, and local levels, to support the preservation of resources of local significance. To expend limited study funds on resources that are known not to meet National Park Service standards seems ill-advised when the Department is pressed to meet the budgetary needs of previously authorized studies of nationally significant resources.”

Cost to Taxpayers: CBO estimates that it would cost less than \$200,000 over the next three years to complete the required study and report.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-637, cites constitutional authority in Article I, Section 8 (but does not cite a specific clause), and Article IV, Section 3 (Clause 2 of which grants Congress the power to make rules and regulations for federal property). House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 4593—Lincoln County Conservation, Recreation, and Development Act (Gibbons)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4593 contains the following provisions (*Note: this summary is based on the introduced version of H.R. 4593. The text of the Resources Committee-reported version was not available at press time*):

- Requires the Secretary of the Interior to sell two parcels of land in Lincoln County, Nevada, as well as 87,000 acres identified for annual disposal. Designates how the proceeds from the sale are to be spent.
- Adds several sites in Nevada to the National Wilderness Preservation System, a total of approximately 669,611 acres. The bill specifies that this designation does not affect existing water rights and prohibits the development of any new water resource facility.
- Requires the Secretary to establish a 2,640-foot wide corridor for utilities in Lincoln and Clark Counties in Nevada.
- Requires the Secretary to grant rights-of-way to federal lands in Clark and Lincoln Counties for any roads, wells, well fields, pipes, pipelines, pump stations, storage

facilities, or other facilities and systems that are necessary for the construction and operation of a water conveyance system.

- Requires a water resources study of aquifers of White Pine County, Nevada.
- Designates several trails in Lincoln County as the “Silver State Off-Highway Vehicle Trail.”
- Conveys a parcel of land to Lincoln County for use as a public park.
- Conveys a parcel of land to the State of Nevada for use as a state park.
- Transfers 8,503 acres of Bureau of Land Management land to the U.S. Fish and Wildlife Service for inclusion in the Desert National Wildlife Range.

Committee Action: H.R. 4593 was introduced on June 16, 2004, and referred to the Committee on Resources. The Committee favorably reported the bill by voice vote on September 22.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority was not available at press time.

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H.R. 4817—To facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, (Nunes)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary and Background: H.R. 4817 would relinquish the U.S. government’s revisionary interest in 500 square feet of land in Tipton, California. The land is located within a 200-foot railroad right-of-way originally conveyed by the United States through an Act of Congress on July 27, 1866 for the construction of a transcontinental railroad. A portion of the right-of-way lies within the boundaries of a private landowner making it necessary to relinquish the Federal Government’s reversionary interest.

Committee Action: H.R. 4817 was introduced on July 12, 2004, and referred to the Committee on Resources. The Committee favorably reported the bill by unanimous consent on September 15.

Cost to Taxpayers: The Congressional Budget Office estimates that the bill will have no impact on federal spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report, 108-714, cites Article I, Section 8 but fails to cite a specific clause.

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**S.Con.Res. 76—Recognizing that November 2, 2003, shall be dedicated to
“A Tribute to Survivors” at the United States Holocaust Memorial Museum
(Senator Hatch)**

Order of Business: The resolution is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: S.Con.Res. 76 resolves that Congress:

“(1) recognizes that November 2, 2003, shall be dedicated to ‘A Tribute to Survivors’ at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation’s Holocaust survivors, as well as their liberators and rescuers, and their families;

“(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

“(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

“(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

“(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.”

Committee Action: S.Con.Res. 76 passed the Senate by unanimous consent on October 30, 2003. The bill was then sent to the House, where it has been held at the desk.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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S. 1521 — Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act (*Senator Reid*)

The following three bills are being attached as an amendment to S. 1521:

- H.R. 4492 — To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes (Regula)
- H.R. 4625 — Soda Ash Royalty Reduction Act of 2004 (Cubin)
- H.R. 4984 — Potash Royalty Reduction Act of 2004 (Pearce)

Order of Business: The bill is scheduled to be considered on Monday, October 04, 2004, under a motion to suspend the rules and pass the bill, with an amendment that adds three separate bills to the underlying bill.

Note: Both H.R. 4492 and H.R. 4625 passed the House on July 19, 2004, by voice vote. The Senate has yet to consider either. For purposes of this legislative analysis, it is assumed the bills are identical to the previous House-passed versions, since no further information was available as of press time. H.R. 4984 has not yet been voted on by the full House. (The bills are detailed below separately but will be voted on as part of S. 1521).

Summary: S. 1521 directs the Secretary of the Interior to convey 4.5 acres of land in Nye County, Nevada, to the Edward H. McDaniel American Legion Post, without cost. Under the bill, the group must use the land only for the construction and operation of a post building and memorial park for use by the American Legion, other veterans groups, or the local community for events and activities. Ownership of the land would revert to the federal government, if that condition is not met, unless the Secretary issues a waiver “in the best interests of the United States.”

Additional Information: According to the Senate Committee report, the existing facility used by veterans in Pahrump was built by the Veterans of Foreign Wars in the 1960s and “is inadequate for the veterans’ current needs.”

Committee Action: The bill was introduced in the Senate on July 31, 2003, and passed the Senate by unanimous consent on September 15, 2004. It was referred to the House Committee on Resources, which did not consider the bill.

Cost to Taxpayers: According to the Bureau of Land Management, the property to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years. Therefore, CBO estimates conveying the land would not lose any funds for the federal government and the agency’s administrative costs would be negligible.

Administration Position: According to the Department of Interior testimony on May 5, 2004, “the BLM, as a matter of practice, receives fair market value for land being transferred out of public ownership. For conveyances to non-governmental entities that qualify[,] ... the United States receives 50 percent of fair market value.”

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill decreases federal land ownership by 4.5 acres.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Senate does not require committee reports to cite constitutional authority and a House Resources Committee report is unavailable.

Inserted in S. 1521 by amendment: H.R. 4492 — To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes (Regula)

Summary: H.R. 4492 provides additional funding to existing National Heritage Areas and creates two new National Heritage Areas in Ohio and Pennsylvania.

Existing National Heritage Areas:

H.R. 4492 would extend the authorization for the nine National Heritage Areas created in 1996 to September 30, 2027 (when first authorized, the federal funds authorization was to expire in 15 years, in 2012). These nine National Heritage Areas are as follows: Augusta Canal National Heritage Area, Essex National Heritage Area, Hudson River Valley National Heritage Area, National Coal Heritage Area, Ohio & Erie National Heritage CanalWay, Rivers of Steel National Heritage Area, Silos & Smokestacks, South Carolina National Heritage Corridor, and Tennessee Civil War National Heritage Area. The authorizations for federal matching funds for each of these areas would also be increased from a total of \$10 million to a total of \$20 million.

National Aviation Heritage Area:

H.R. 4492 would also establish a National Aviation Heritage Area in specified counties of Ohio and Indiana to highlight and preserve property and items related to the nation’s aviation history. An Aviation Heritage Foundation would be designated as the management entity for the Heritage Area. The Foundation would be required to create, within three years, a management plan for (among other things) assisting units of government and nonprofit organizations in establishing and maintaining interpretive exhibits regarding aviation, developing recreational resources, increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area, and restoring historic buildings that relate to aviation.

The Foundation could not use federal funds received under this legislation to acquire real property or an interest in real property and would have to report annually to the Secretary of the Interior. The Secretary of Interior and the State of Ohio would have to approve the Foundation's management plan, and upon the request of the Foundation, the Secretary could provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan.

Any federal agency conducting or supporting activities directly affecting the Heritage Area would be directed to coordinate (as best as possible) with the Secretary and the Foundation.

The bill would authorize total appropriations of \$10 million, though not more than \$1 million could be appropriated directly for the Heritage Area in any fiscal year. The federal share of the cost of activities carried out using any assistance or grant under this legislation could not exceed 50%.

The authority of the Secretary to provide assistance under this legislation would sunset 15 years after enactment.

Oil Region National Heritage Area

H.R. 4492 would also establish an Oil Region National Heritage Area in specified areas of Pennsylvania to conserve, enhance, and interpret the significant features of the lands, water, and structures of the Oil Region. The Oil Heritage Region, Inc. would be designated as the management entity for the Heritage Area. The Foundation would be required to create, within two years, a management plan for (among other things) assisting units of government and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area, developing recreational resources, increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area, and restoring historic buildings relating to the theme of the area.

The management entity could not use federal funds received under this legislation to acquire real property or an interest in real property and would have to report annually to the Secretary of the Interior. The Secretary of Interior, in consultation with the Governor of Pennsylvania, would have to approve the Foundation's management plan, and upon the request of the Foundation, the Secretary could provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan.

Any federal agency conducting or supporting activities directly affecting the Heritage Area would be directed to coordinate (as best as possible) with the Secretary and the Foundation.

The bill would authorize total appropriations of \$10 million, though not more than \$1 million could be appropriated directly for the Heritage Area in any fiscal year. The federal share of the cost of activities carried out using any assistance or grant under this legislation could not exceed 50%.

The authority of the Secretary to provide assistance under this legislation would sunset 15 years after enactment.

(A bill including the National Aviation Heritage Area and the Oil Region National Heritage Area passed the House on November 18, 2003, by voice vote (H.R. 280)).

Additional Provisions

H.R. 4492 also revises the boundary of the National Coal Heritage Area in West Virginia and reauthorizes appropriations for the Coastal Heritage Trail Route in New Jersey.

Additional Background: Congress has established 24 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A “National Heritage Area” is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance. National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

NOTE: no legislative criteria exist for designating a National Heritage Area.

Most of the 24 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows: 1 in 1984; 1 in 1986; 2 in 1988; 2 in 1994; 11 in 1996; 6 in 2000; 1 in 2003. For more information on National Heritage Areas, see <http://www.cr.nps.gov/heritageareas/>

Committee Action: H.R. 4492 was introduced on June 2, 2004, and referred to the Committee on Resources. The committee approved the bill (amended) by unanimous consent on July 14, 2004, and the House passed it by voice vote on July 19, 2004.

Administration Position: The National Park Service, in testimony before the Parks Subcommittee last year, recommended “**defer[ing] action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted.**” (*emphasis added*) The President’s FY05 budget request also included a significant reduction in funding for National Heritage Areas, proposing funding of \$2 million (down from \$14 million in FY04).

Cost to Taxpayers: The bill authorizes at least \$90 million over the next 23 years for the nine existing National Heritage Areas and \$20 million over the next 15 years for the two new National Heritage Areas. CBO estimates that implementing H.R. 4492 would cost the federal government \$3 million in 2005 and \$22 million over the 2005-2009 period. (CBO estimates that an additional \$58 million would be authorized to be appropriated and spent after 2009.)

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates two new National Heritage Areas and doubles authorized funding for nine existing areas.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee in Report 108-611 finds authority under Article I, Section 8 (Powers of Congress), but fails to cite a specific clause.

Inserted in S. 1521 by amendment: H.R. 4625 —Soda Ash Royalty Reduction Act of 2004 (Cubin)

Summary: H.R. 4625 would reduce royalty fees for soda ash (the trade name for sodium carbonate). Specifically, the bill would reduce the royalty rate to 2 percent for the next five years.

The bill also requires a study by the Secretary of Interior within four years on the effects of the royalty reduction, including the number of jobs created or maintained and a recommendation of whether the reduced rate should continue.

Additional Background: According to the findings of H.R. 4625, U.S. exports of soda ash have been flat, despite booming world demand, and over 700 jobs have been lost in the U.S. soda ash industry since the Department of the Interior increased the royalty rate. In 1996, the Department of the Interior increased the royalty rate on sodium compounds and related products from 5 percent to 6 percent for renewed leases and 5 percent to 8 percent for new leases. The bill notes “most of the world’s largest markets...including Brazil, the People’s Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies” and that the People’s Republic of China has supplanted the U.S. as the largest producer of soda ash in the world.

According to the Committee report, Wyoming supplies about 90 percent of the Nation’s soda ash sodium carbonate, and the total estimated value of domestic soda ash produced in 2003 was \$800 million. Glass making consumes about half of soda ash output, followed by the chemical industry, which uses about a quarter of the output. Other uses include soap, paper manufacturing, and water treatment. The U.S. soda ash industry pays about \$100 million in taxes to federal, state and local governments.

Committee Action: H.R. 4625 was introduced on June 21, 2004, and referred to the Committee on Resources. The Resources Committee reported it by unanimous consent on July 14, 2004, and the House passed it on July 19, 2004.

Cost to Taxpayers: H.R. 4625 would provide royalty relief for producers of sodium compounds and related products on federal land. CBO estimates that enacting H.R. 4625 would increase direct (mandatory) spending by \$3 million in 2005 and \$15 million over the next five years.

The royalty reduction required by the bill would temporarily reduce federal payments to three states — Wyoming, Colorado, and California— by about \$3 million a year over the 2005-2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee in Report 108-612 finds authority under Article I, Section 8 (Powers of Congress), but fails to cite a specific clause.

Inserted in S. 1521 by amendment: H.R. 4984 — Potash Royalty Reduction Act of 2004 (Pearce)

Summary: H.R. 4984 would temporarily reduce to one percent the federal royalty rate charged to producers of potassium and potassium compounds (potash) on federal land. The bill would direct the Secretary of the Treasury, without further appropriation, to return the federal share of potash royalties to producers to support projects to reclaim federal land where potash is mined. The bill also requires a study and a report to Congress including “a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.”

Additional Information: According to *National Journal*, the potash producers claim foreign competitors with substantial state support are threatening their industry, which had a production value of about \$260 million last year. New Mexico, Michigan, and Utah are the principal centers of potash production.

Cost to Taxpayers: CBO estimates that enacting H.R. 4984 would increase direct spending by \$2 million in 2005 and \$10 million over the 2005-2009 period. Enacting this legislation would, however, result in a reduction in payments to the states where potash is mined totaling \$1.3 million annually over the 2005-2009 period.

Committee Action: H.R. 4984 was introduced on July 22, 2004, and referred to the Committee on Resources. The Resources Committee reported it the full House by unanimous consent on September 15, 2004.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A Resources Committee Report citing authority is unavailable.

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S. 2319 — Tapoco Project Licensing Act of 2004 (Senator Alexander)

Order of Business: The bill is scheduled to be considered on Monday, October 04, 2004, under a motion to suspend the rules and pass the bill.

Summary: S. 2319 authorizes the Secretary of the Interior to exchange 100 acres of land within the Great Smoky Mountains National Park in Tennessee for 186 acres of other land within the authorized boundary of that park owned by Alcoa Power Generating Inc. (APGI). APGI would use the land it receives for the Tapoco Hydroelectric Project. The bill prohibits “any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir” and authorizes public access to the easement area.

S. 2319 notes that the deed will revert back to the federal government if the Chilhowee Reservoir ceases to exist or if the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

Committee Action: The bill was introduced in the Senate on April 19, 2004, and passed the Senate by unanimous consent on September 15, 2004. It was held at the desk and not referred to a House Committee.

Cost to Taxpayers: The bill authorizes “such sums as are necessary” and CBO estimates that to acquire the land would cost \$6 million over the 2005-2009 period, subject to appropriations. According to the National Park Service (NPS), the federal land to be conveyed currently generates no funds for the federal government and is not expected to do so over the next 10 years. Therefore, CBO estimates conveying the land would not lose any funds for the federal government though the agency’s administrative costs would be approximately \$30,000 in 2005. CBO further notes that any increase in federal land management costs would total less than \$500,000 a year.

Administration Position: According to the Department of Interior testimony on April 27, 2004, “The Department supports S. 2319 [with amendments]... We believe that the exchange

authorized in S. 2319, together with the comprehensive Settlement Agreement discussed later in this testimony, is an excellent example of Secretary Norton's 4 C's, Conservation through Cooperation, Consultation and Communication and demonstrates how environmental groups, local and state governments, industry, tribes, and the Federal government can work cooperatively on the conservation of important environmental resources.”

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill will increase the amount of federal land owned in Tennessee by a net 86 acres. As of September 2003, the federal government owned 7.5% of the land in Tennessee.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Senate does not require committee reports to cite constitutional authority.

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H.R. 2960—To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project (*Ortiz*)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2960 would authorize the Secretary of the Interior, in cooperation with the Brownsville Public Utility Board, to participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area. The federal cost share of the portions of the projects in which the federal government will participate (expected to cost about \$20 million in total) could not exceed 25%.

Committee Action: On September 10, 2003, the Subcommittee on Water and Power held hearings on the bill, and then marked up the bill on October 30th. After the Subcommittee forwarded the bill to the full Resources Committee by unanimous consent, the full Committee marked up the bill on July 14, 2004 and by unanimous consent ordered the bill reported to the full House.

Cost to Taxpayers: CBO estimates that the bill would authorize \$4 million a year over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-664, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 3391—Provo River Project Transfer Act (Cannon)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary, as amended: H.R. 3391 would direct the Secretary of the Interior to sell the Provo [Utah] Reservoir Canal and the affiliated Pleasant Grove Property to the Provo River Water Users Association, a nonprofit corporation. The Secretary would also have to sell the Salt Lake Aqueduct to the Metropolitan Water District of Salt Lake & Sandy, a political subdivision of the State of Utah.

The conveyances would have to be completed within 18 months of this bill’s enactment (or else be the subject of a report to Congress as to why the delays are occurring). The bill outlines certain deductions from the funds that the federal government would have to collect from the Association and the Water District.

The federal government would have to complete the required environment actions (paid for in part by the Association and the Water District) before the above conveyances were completed. The bill would limit the liability of the federal government for the conveyances.

Committee Action: On October 30, 2003, the Subcommittee on Water and Power held hearings on the bill, and then marked up the bill on July 8th. After the Subcommittee forwarded the bill to the full Resources Committee by unanimous consent, the full Committee marked up the bill on September 22nd and by unanimous consent ordered the bill reported to the full House.

Administration Position: The committee report for the Senate companion bill (S. 1876) included this discussion of the Administration’s support:

During the May 19, 2004 hearing on the measure conducted by the Subcommittee on Water and Power, the Administration testified that it generally supports transferring ownership of certain Reclamation project facilities to non-Federal entities. At that time, the Administration stated that it had several concerns with S. 1876 as introduced, and preferred certain key agreements be completed prior to transfer of title. In the intervening four months, the parties have worked to address

the Administration's concerns. It is the Committee's understanding that both the Master Title Transfer Agreement and the 3-Pipe Agreement (also known as the Multi-Party Operating Agreement) are in draft final form. Representatives of the Administration have indicated to the Committee staff that the execution of these agreements is expected in the immediate future and that they support enactment of the legislation at this time.

Cost to Taxpayers: Although a CBO cost estimate is unavailable, nothing in this bill indicates the presence of any new authorization of funds. The Resources Committee confirms that the federal government will make money from this conveyance.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4389—To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California (Issa)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4389 would authorize the Secretary of the Interior to construct facilities to use the Santa Margarita River to provide water for irrigation, municipal, domestic, military, and other uses. The facilities would be located on the lower part of the river on Camp Pendleton.

Construction of the project could begin only if the following conditions were met:

1. The Fallbrook Public Utility District has entered into a repayment contract with the United States for its allocation of the construction costs, with interest, as applicable (repayment would take place over a period not to exceed 56 years);
2. The State of California has granted permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the Fallbrook District to use the water developed by the project;
3. The Fallbrook District has agreed not to assert any prior appropriative right it may have to water in excess of the quantity deliverable to it under this Act; and
4. The Secretary of the Interior has determined that the project has engineering and economic feasibility.

Sixty percent of the yield of the project would be allocated to the Secretary of the Navy and forty percent would be allocated to the Fallbrook Public Utility District. The bill authorizes \$60 million for construction of the project and “such sums” for operation and maintenance.

Additional Background: Currently the Fallbrook Public Utility District relies on water supplies imported from the Colorado River and northern California.

Committee Action: H.R. 4389 was introduced on May 19, 2004, and referred to the Committees on Resources and Armed Services. Neither Committee marked up or reported the bill.

Administration Position: A representative of the Department of Interior testified on June 23, 2004, “we cannot support H.R. 4389 in its present form because we have reservations concerning the proposed financing mechanism, cost-share, and repayment terms for all of the project beneficiaries.”

<http://resourcescommittee.house.gov/archives/108/testimony/2004/williamrinne4389.htm>

Cost to Taxpayers: H.R. 4389 authorizes \$60 million and “such sums.” A cost estimate from the Congressional Budget Office is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 3982—To direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah (Cannon)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3982 would authorize the Secretary of the Interior to take the referenced three-acre property out of trust status and convey it to the City of Richfield, Utah, not later than 90 days after receiving a request from the Paiute Indian Tribe of Utah and from the City of Richfield to convey the property (currently held in trust by the U.S. for the Tribe). The City of Richfield would have to pay all costs related to the conveyance, the proceeds of which would go to the Tribe.

Committee Action: On September 15, 2004, the Resources Committee marked up and ordered the bill reported to the full House by unanimous consent.

Cost to Taxpayers: The bill would prohibit the federal government from incurring any cost related to the conveyance.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-715, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1421—Alaska Native Allotment Subdivision Act (Senator Murkowski)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: S. 1421 authorizes Alaska native landowners, subject to approval by the Secretary of the Interior, to subdivide and dedicate restricted land in accordance with state and local law. Restricted land is land that is subject to federal restrictions against alienation and taxation and may not be subdivided (land received under the Native Allotment Act of 1906). The bill also ratifies subdivisions and dedications that occurred prior to the bill’s enactment, if state or local authorities have approved them.

Committee Action: S. 1421 passed the Senate by unanimous consent on September 15, 2004. The bill was received in the House on September 17 and referred to the Committee on Resources. The Committee did not consider the bill.

Cost to Taxpayers: The Congressional Budget Office estimates that the bill will have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A House committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 144—Noxious Weed Control Act of 2004 (Senator Craig)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: S. 144 establishes a new program to provide financial assistance through states to weed management entities for the control and eradication of noxious weeds (a noxious weed is defined in current law as “any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment”).

Funds would be allocated to states based on the severity or potential severity of the noxious weed problem, the extents to which federal funds will be used to leverage non-federal funds, the extent to which the state has made progress in addressing noxious weed problems, and any other factors the Secretary of the Interior deems relevant. Funds could be used for research, incentive payments to new weed management entities, and projects to control or eradicate noxious weeds. The federal share of a project could not exceed 50 percent unless it met certain criteria (such as a critical need).

S. 144 authorizes \$50 million for each of fiscal years 2005 through 2009.

Committee Action: S. 144 passed the Senate by unanimous consent on March 4, 2003. The bill was received in the House on March 5 and referred to the Committees on Resources and Agriculture. The Committee on Resources reported the bill by unanimous consent on May 19, 2004. The Committee on Agriculture discharged the bill on September 30, 2004.

Administration Position: A representative of the Department of Interior testified regarding S. 144 on April 29, 2004, and stated that “**the goals of this bill can be met within existing authorities**” and “**funding for this bill is not included in the President’s FY 2005 budget.**”

Cost to Taxpayers: The bill authorizes \$250 million over 5 years. The Congressional Budget Office estimates that the bill would cost \$114 million over 5 years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new federal program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority was not available at press time.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 1814—To transfer federal lands between the Secretary of Agriculture and the Secretary of Interior (Bond)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: The bill transfers control of the Mingo Job Corps Center (Missouri) from the Department of Interior to the Department of Agriculture. This exchange, according to a floor statement by Senator Bond, is necessary to prevent the permanent closure of the facility.

Committee Action: The bill was introduced on November 3, 2003, and passed the Senate by unanimous consent on April 20, 2004. It was referred to the House Resources Committee, which considered the bill and reported it to the full House on September 15 by voice vote.

Cost to Taxpayers: CBO estimates that S. 1814 would have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No

Does the Bill Contain Any New State-Government, Local Government, or Private Sector Mandates?: No.

Constitutional Authority: A House Resources Committee report citing authority is unavailable.

RSC Staff Contact: Russ Vought (x68581)

H.Res. 567—Congratulating the American Dental Association for sponsoring the second annual “Give Kids a Smile” program (Cantor)

Order of Business: The resolution is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 567 resolves that the House:

“(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the ‘Give Kids a Smile’ program;

“(2) emphasizes the need to improve access to dental care for children;

“(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of an estimated one million children as part of the ‘Give Kids a Smile’ program; and
“(4) thanks Crest Healthy Smiles 2010, Sullivan-Schein Dental, DEXIS Digital X-ray Systems, and Ivoclar Vivadent Inc. for their generous support which helped make this year’s ‘Give Kids a Smile’ program a success.”

Additional Background: The American Dental Association established the “Give Kids a Smile” program in 2002 to provide free dental education, screening, and care services to children. In 2004 the program served an estimated one million children at more than 2,500 sites in all 50 States and the District of Columbia.

Committee Action: The resolution was introduced on March 17, 2004, and referred to the Committee on Energy and Commerce. The Committee reported the bill by voice vote on September 30.

Cost to Taxpayers: The resolution does not authorize any expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 551—Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003 (Senator Campbell)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: S. 551 authorizes the Environmental Protection Agency to treat the Southern Ute Indian Tribe as a state under the Clean Air Act, allowing the tribe to carry out Clean Air Act programs on its reservation (pursuant to an intergovernmental agreement with the State of Colorado). The tribe would be permitted to pursue a civil action in the U.S. District Court for the District of Colorado to enforce its air quality programs.

Under the bill, either the Southern Ute Tribe or the State of Colorado could terminate the intergovernmental agreement. If the agreement were terminated, the tribe would no longer be treated as a state as provided by S. 551.

Additional Background: In 1999, after several years of dispute, the Southern Ute Indian Tribe entered into an intergovernmental agreement with the State of Colorado. Under the agreement, a joint tribal-state commission will set air quality standards for the Southern Ute

reservation in southwest Colorado. The tribe would then apply to the EPA for the authority to administer Clean Air Act programs in accordance with the standards.

Committee Action: S. 551 passed the Senate by unanimous consent on November 21, 2003. It was received in the House and referred to the Committees on Energy and Commerce and Resources on November 25th. The Committee on Resources reported the bill by unanimous consent on September 15, 2004. The Committee on Energy and Commerce reported the bill by voice vote on September 30, 2004.

Cost to Taxpayers: The Congressional Budget Office estimates that S. 551 would not have a significant effect on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-712, cites Article I, Section 8, but fails to cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4011—North Korean Human Rights Act of 2004 (Leach)

Order of Business: The bill is scheduled for consideration on Monday, October 4th, under a motion to suspend the rules and pass the bill.

H.R. 4011 previously passed the House on July 21, 2004, by voice vote. The bill was amended in the Senate and passed by unanimous consent on September 28. The summary below indicates changes from the House-passed bill in red bold (additions) and strikethrough (deletions).

Summary: H.R. 4011 authorizes funding for assistance to North Koreans and to organizations promoting human rights in North Korea.

Title I—Promoting the Human Rights of North Koreans

- Authorizes the President to make grants to private, non-profit organizations to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea. Authorizes \$2 million for each of fiscal years 2005-2008.
- Expresses the sense of Congress that U.S. support of radio broadcasts in North Korea should be increased.
- Authorizes the President to take “such actions as may be necessary” to increase the availability inside North Korea of information not controlled by the North Korean government. Authorizes \$2 million for each of fiscal years 2005-2008.

- Urges actions by the United Nations Commission on Human Rights.
- **Includes a sense of Congress that “that the United States should explore the possibility of a regional human rights dialogue with North Korea that is modeled on the Helsinki process, engaging all countries in the region in a common commitment to respect human rights and fundamental freedoms.”**
- **Requires the President to appoint a special envoy for human rights in North Korea within the Department of State.**

Title II—Assisting North Koreans in Need

- ~~Authorizes the President to provide assistance, including in the form of grants, to the World Food Program and to U.S. non-governmental organizations to provide humanitarian assistance to North Koreans. Authorizes \$100 million for each of fiscal years 2005-2008.~~
- **Expresses the sense of Congress that “significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea.”**
- Requires a report on all activities to provide humanitarian assistance to North Korea that receive U.S. funding and any improvements in humanitarian transparency, monitoring, and access inside North Korea.
- Prohibits any department, agency, or entity of the U.S. Government from providing humanitarian or non-humanitarian assistance to any department, agency, or entity of the Government of North Korea unless certain conditions are met. The President may issue a waiver of this prohibition if it is in the national security interest of the United States.
- Authorizes the President to provide assistance to support organizations or persons that provide humanitarian or legal assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea. Authorizes \$20 million for each of the fiscal years 2005-2008.

Title III—Protecting North Korean Refugees

- Requires the Secretary of State to submit a report to Congress on the situation of North Korean refugees and explains the U.S. policy toward North Korean refugees and defectors.
- ~~Designates North Koreans refugees who have been persecuted as a “Priority 2 group of special concern,” which exempts them from referral by the U.N. Human Rights Commission.~~
- **Requires the Secretary to facilitate the submission of applications under section 207 of the Immigration and Nationality Act by citizens of North Korea seeking protection as refugees.**
- ~~Allows the Secretary to consider parole (entry into the U.S. without a visa) for North Korean refugees on the basis of “compelling reasons in the public interest.”~~
- ~~Allows North Koreans admitted or paroled into the U.S. to apply to adjust their legal status to permanent resident after residing in the U.S. for one year. Only those individuals who apply for status adjustment within 18 months of entry, are eligible to~~

receive an immigrant visa, and have cooperated with the U.S. government would be eligible.

- ~~Allows North Koreans currently in the U.S. to be eligible for temporary protection status, which would allow them to stay and work in the U.S. until the human rights situation in North Korea improves and it is removed from the list of state sponsors of terrorism.~~
- ~~Allows North Korean applicants for asylum in the U.S. to obtain employment.~~

The bill also includes a variety of findings noting the human rights violations in North Korea, including religious persecution, forced abortion, trafficking of women and girls, and abduction of dissidents.

Committee Action: H.R. 4011 was introduced on March 23, 2004, and referred to the Committees on International Relations and the Judiciary. The Committee on International Relations approved the bill, amended, by unanimous consent on March 31. The Judiciary Committee discharged the bill on July 16.

Cost to Taxpayers: H.R. 4011 authorizes \$96 million over four years (2005-2008).

Does the Bill Expand the Size and Scope of the Federal Government?: The bill authorizes new activities to promote the human rights of and provide assistance to North Koreans.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on International Relations, in House Report 108-478, cites Article I, Section 8, Clause 18 (“necessary and proper”).

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Con.Res. 415—Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004 (Hyde)

Order of Business: The resolution is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Note: The Senate passed a substantively identical resolution, S.Con.Res. 106, by unanimous consent on July 22, 2004.

Summary: H.Con.Res. 415 would resolve that Congress:

- “acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

- “recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;
- “expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;
- “urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;
- “urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;
- “urges the Ukrainian authorities to ensure--
 - (A) the full transparency of election procedures before, during, and after the 2004 presidential elections;
 - (B) free access for Ukrainian and international election observers;
 - (C) multiparty representation on all election commissions;
 - (D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;
 - (E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;
 - (F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and
 - (G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;
- “further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

- “pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.”

Additional Background: Ukraine will hold national elections on October 31, 2004.

Committee Action: On June 16, 2004, the Subcommittee on Europe marked up and by voice vote forwarded the resolution to the full International Relations Committee. On June 24, 2004, the Committee, by unanimous consent, agreed to seek House floor consideration for the resolution under suspension of the rules.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 854—Belarus Democracy Act (Smith of New Jersey)

Order of Business: The bill is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 854 would authorize financial assistance to the people of Belarus to:

- help them regain their freedom and enable them to join the European community of democracies;
- encourage free and fair presidential, parliamentary, and local elections, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers; and
- assist in restoring and strengthening democratic institutions in Belarus.

Although the reported bill authorizes “such sums,” CBO estimates that the bill would authorize about \$24 million over the next several years. Federal funds could be used to, for example, develop nongovernmental institutions promoting democracy and support radio broadcasting into Belarus. Such programs are currently being funded under more general authority.

The bill would implement a variety of sanctions against the Government of Belarus, until certain conditions are met.

Sanctions:

- Prohibition on the export of computers and computer-related technology to the Government of Belarus (or its related agencies if state control).
- Prohibition on loans to and investment in the Government of Belarus.
- Sense of Congress that the President should deny entry into the United States of Belarusian Government officials and their families.
- Sense of Congress that the President should encourage the U.S. representatives at all international financial institutions to use their voices and votes to deny financial assistance to the Government of Belarus.
- The President could waive these sanctions for reasons that he deems are “important to the national interests of the United States.”

Conditions for Lifting Sanctions:

- Releasing individuals in Belarus who have been jailed based on political or religious beliefs.
- Withdrawing politically motivated legal charges against all opposition figures and independent journalists in Belarus.
- Fully accounting for the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and prosecuting those individuals who are responsible for their disappearances.
- Ceasing all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.
- Implementing free and fair presidential and parliamentary elections in Belarus, consistent with Organization for Security and Cooperation in Europe (OSCE) standards on democratic elections and in cooperation with relevant OSCE institutions.

The President would have to transmit an annual report to Congress on Belarus’ exporting of weapons to state supporters of international terrorism and on the personal assets and wealth of President Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

H.R. 854 includes several declarations of policy in support of anti-regime, pro-democracy forces and calling for the Government of Belarus to cease its undemocratic, repressive activities.

Additional Background: As the bill states, the last free parliamentary election in Belarus (a former Soviet republic) was in 1995, from which emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been usurped by the authoritarian regime of President Aleksandr Lukashenka. In November 1996, Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, install a largely powerless National Assembly, and extend his term of office to 2001. In May 1999, Belarusian democratic forces challenged Lukashenka's unconstitutional extension of his presidential term by staging alternative presidential elections, which were met with repression. Belarusian democratic forces have organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus, which have led to beatings, mass arrests, and extended

incarcerations. The Lukashenka regime systematically harasses and represses the independent media and independent trade unions, imprisons independent journalists, actively suppresses freedom of speech and expression, and harasses religious groups of all kinds—Catholic, Protestant, Jewish, and Hindu, for example.

Committee Action: On February 13, 2003, the bill was referred to the International Relations (IR), Judiciary, and Financial Services Committees. On April 3, 2003, the Subcommittee on Europe marked up and by voice vote forwarded the bill to the full IR Committee. On February 25, 2004, the IR Committee marked up and ordered the bill reported to the full House. No other committee took official action on the legislation.

Administration Position: On June 3, 2004, the President extended for one year the waiver of conditions that would disqualify Belarus from receiving most-favored-nation trade status: <http://www.whitehouse.gov/news/releases/2004/06/20040603-13.html>

Cost to Taxpayers: CBO estimates that this bill would authorize \$9 million in FY2005 and \$24 million over the FY2005-FY2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Con.Res. 304—Expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China (Ros-Lehtinen)

Order of Business: The resolution is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 304 would resolve a sense of Congress that:

- “the Government of the People's Republic of China should--
 - (A) immediately stop interfering in the exercise of religious and political freedoms within the United States, such as the right to practice Falun Gong, that are guaranteed by the United States Constitution;
 - (B) cease using the diplomatic missions in the United States to spread falsehoods about the nature of Falun Gong;
 - (C) release from detention all prisoners of conscience, including practitioners of Falun Gong, who have been incarcerated in violation of their rights as expressed in the Constitution of the People's Republic of China;

- (D) immediately end the harassment, detention, physical abuse, and imprisonment of individuals who are exercising their legitimate rights to freedom of religion, including the practices of Falun Gong, freedom of expression, and freedom of association as stated in the Constitution of the People's Republic of China; and
- (E) demonstrate its willingness to abide by international standards of freedom of belief, expression, and association by ceasing to restrict those freedoms in the People's Republic of China;
- “the President should, in accordance with section 401(a)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)(1)(B)), and with the intention of dissuading the Chinese Government from attempting to stifle religious freedom in the People's Republic of China and the United States, take action such as--
 - (A) issuing an official public demarche, a formal protest, to the Chinese Foreign Ministry in response to the repeated violations by the Chinese Government of basic human rights protected in international covenants to which the People's Republic of China is a signatory; and
 - (B) working more closely with Chinese human rights activists to identify Chinese authorities who have been personally responsible for acts of violence and persecution in the People's Republic of China;
- “the Attorney General should investigate reports that Chinese consular officials in the United States have committed illegal acts while attempting to intimidate or inappropriately influence Falun Gong practitioners or local elected officials, and, in consultation with the Secretary of State, determine an appropriate legal response; and
- “officials of local governments in the United States should--
 - (A) in accordance with local statutes and procedures, recognize and support organizations and individuals that share the goals of all or part of the local community, including Falun Gong practitioners; and
 - (B) report incidents of pressure or harassment by agents of the People's Republic of China to Members of Congress, the Attorney General, and the Secretary of State.”

Additional Background: The resolution describes Falun Gong as “a peaceful spiritual movement that originated in the People’s Republic of China but has grown in popularity worldwide and is now accepted and practiced by thousands in the United States.” The movement is best known for its public meditation sessions.

Committee Action: On October 16, 2003, the resolution was referred simultaneously to the International Relations Committee and the Judiciary Committee. On June 24, 2004, the International Relations Committee, by unanimous consent, agreed to seek House floor consideration under suspension of the rules. The Judiciary Committee took no official action on the resolution.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Res. 774—Commending the people and Government of Greece for the successful completion of the 2004 Summer Olympic Games (Meehan)

Order of Business: The resolution is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 774 would resolve that the House:

- “commends the people of Greece for the successful completion of the 2004 Summer Olympic Games; and
- “agrees with United States Olympic Committee Chairman Peter Ueberroth that ‘history will record these Games as among the greatest, if not the greatest of all time.’”

Committee Action: On September 14, 2004, the resolution was referred to the International Relations Committee, which took no official action on it.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.Con.Res. 496—Expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne (*Lee*)

Order of Business: The resolution is scheduled to be considered on Monday, October 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 496 would resolve that Congress:

- “commends the governments of the countries of the Caribbean for their efforts to respond and assist the people of the region after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne from August to September 2004;
- “commends the efforts of the Caribbean-American community to provide relief to family and friends suffering in the region;

- “supports the efforts of the United States Government to assist in coordinating international efforts to help the people of the region, particularly in Grenada, Jamaica, Haiti, and the Bahamas, with assessing damage and providing relief to affected communities;
- “urges the international community to take all necessary steps to provide emergency relief and support reconstruction efforts; and
- “urges the President, acting through the Administrator of the United States Agency for International Development to--
 - (A) make available to private volunteer organizations, United Nations agencies, and regional institutions the necessary funding to mitigate the effects of the recent natural disasters that have devastated the countries of the Caribbean; and
 - (B) provide assistance with the promulgation and enforcement of housing and building codes in the countries of the Caribbean.”

Committee Action: On September 22, 2004, the resolution was referred to the International Relations Committee, which took no official action on it.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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